

19-6-108.3 Director to issue written assurances, make determinations, and partition operation plans -- Board to make rules.

- (1) Based upon risk to human health or the environment from potential exposure to hazardous waste, the director may:
 - (a) even if corrective action is incomplete, issue an enforceable written assurance to a person acquiring an interest in real property covered by an operation plan that the person to whom the assurance is issued:
 - (i) is not a permittee under the operation plan; and
 - (ii) will not be subject to an enforcement action under this part for contamination that exists or for violations under this part that occurred before the person acquired the interest in the real property covered by the operation plan;
 - (b) determine that corrective action to the real property covered by the operation plan is:
 - (i) complete;
 - (ii) incomplete;
 - (iii) unnecessary with an environmental covenant; or
 - (iv) unnecessary without an environmental covenant; and
 - (c) partition from an operation plan a portion of real property subject to the operation plan after determining that corrective action for that portion of real property is:
 - (i) complete;
 - (ii) unnecessary with an environmental covenant; or
 - (iii) unnecessary without an environmental covenant.
- (2) If the director determines that an environmental covenant is necessary under Subsection (1)(b) or (c), the director shall require that the real property be subject to an environmental covenant according to Title 57, Chapter 25, Uniform Environmental Covenants Act.
- (3) An assurance issued under Subsection (1) protects the person to whom the assurance is issued from any cost recovery and contribution action under state law.
- (4) By following the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may adopt rules to administer this section.

Amended by Chapter 360, 2012 General Session